

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 08-1014

FILED

MAY - 8 2008

TERESA L. DEPPNER, CLERK
U.S. District Court
Southern District of West Virginia

EARL ROBERT MERRITT, JR.,

Plaintiff - Appellant,

v.

LUCY FLORENCE COCHRAN-YOUELL; REVEREND FATHER PAUL FAHEY, deceased; REVEREND FATHER ALBERT ALEXANDEUNAS, Pastor; REVEREND FATHER COLIN DONOHUE O.F.M. CAPUCHIN; REVEREND FATHER EDWARD SADIE, Pastor; BISHOP MICHAEL BRANSFIELD; FATHER JOHN GALLAGHER; FATHER FRED ANNIE; REVEREND FATHER JOHN PFANNENSTIEL; EMINENCE CARDINAL WILLIAM KEELER; JOSEPH RATZINGER, aka His Holiness Pope Benedict XVI, The Holy See, Vatican City Rome, Italy: and all Other Aiding and Abetting These Defendants and Racketeers; SAINT JOHN'S ROMAN CATHOLIC CHURCH; SACRED HEART ROMAN CATHOLIC CHURCH; THE ROMAN CATHOLIC DIOCESE; THE CAPUCHIN-FRANCISCAN ORDER; THE ROMAN CATHOLIC ARCH-DIOCESE; THE ROMAN CATHOLIC CHURCH,

Defendants - Appellees.

No. 08-1038

EARL ROBERT MERRITT, JR.,

Plaintiff - Appellant,

v.

LUCY FLORENCE COCHRAN-YOUELL, aka Tiny; LINDA YOUELL-TAYLOR;

DONALD TAYLOR; JONATHAN YOUELL, aka Jon; SHERRY YOUELL; ANNE YOUNELL-NELSON; THOMAS YOUELL, aka Tom; BRANDON YOUELL; MANDY YOUELL; OSCAR LEE COCHRAN; JOYCE WINFREE-HESS, aka Teddie; THOMAS W. SMITH, Esquire; PATTY J. SIMS; LAWRENCE B. KELLY; CARDINAL WILLIAM KEELER; BISHOP MICHAEL BRANSFIELD; FATHER EDWARD SADIE; FATHER ALBERT ALEXANDEUNAS, and all others aiding and abetting these defendants and racketeers; OFFICE OF THE WEST VIRGINIA STATE SENATOR JEFFREY V. KESSLER; THE SAINT JOHN'S CATHOLIC CHURCH IN BELLE, WEST VIRGINIA; THE SACRED HEART CATHOLIC CHURCH IN CHARLESTON, WV; THE ROMAN CATHOLIC DIOCESE IN WHEELING, WEST VIRGINIA; UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA; THE ROMAN CATHOLIC ARCH-DIOCESE FOR THE STATE OF WEST VIRGINIA IN BALTIMORE, MARYLAND,

Defendants - Appellees.

Appeals from the United States District Court for the Southern District of West Virginia, at Charleston. John T. Copenhaver, Jr., District Judge. (2:07-cv-00041; 2:06-cv-00885)✓

Submitted: February 28, 2008

Decided: March 10, 2008

Before WILKINSON, NIEMEYER, and MICHAEL, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Earl Robert Merritt, Jr., Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

In this consolidated appeal, Earl Robert Merritt, Jr., appeals the district court's orders dismissing his civil actions. The district court referred the cases to a magistrate judge pursuant to 28 U.S.C. § 636(b)(1)(B) (2000). The magistrate judge recommended that relief be denied and advised Merritt that failure to file timely and specific objections to the recommendations could waive appellate review of a district court order based upon the recommendation. Despite this warning Merritt failed to file specific objections* to the magistrate judge's recommendations.

The timely filing of specific objections to a magistrate judge's recommendation is necessary to preserve appellate review of the substance of that recommendation when the parties have been warned of the consequences of noncompliance. Wright v. Collins, 766 F.2d 841, 845-47 (4th Cir. 1985); see also Thomas v. Arn, 474 U.S. 140, 147-48 (1985). A district court need not conduct de novo review "when a party makes general and conclusory objections that do not direct the court to a specific error in the magistrate's proposed findings and recommendations." Orpiano v. Johnson, 687 F.2d 44, 47 (4th Cir. 1982) (citations omitted); see also Howard v. Secretary of Health & Human Servs., 932 F.2d 505, 508-09 (6th Cir.

*In his documents, filed as an objections, Merritt states that "[l]ife is to [sic] short . . . to be spending my time that I have left to write an Objection to an Order that is legally inept and asinine." (R. 29, No. 08-1014; R. 32, No. 08-1038).

1991) (noting that general objections to a magistrate judge's report may be insufficient to preserve appellate review). Merritt has waived appellate review by failing to file specific objections after receiving proper notice. Accordingly, we deny Merritt's motions for appointment of counsel and affirm the judgments of the district court.

We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

AFFIRMED